

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PHARMASTEM THERAPEUTICS, INC., a
Delaware corporation,

Plaintiff,

v.

VIACELL, INC., a Delaware corporation,
OBSTETRICAL AND GYNECOLOGICAL
ASSOCIATES, P.A., FEMPARTNERS, INC., a
Delaware corporation and CARITAS ST.
ELIZABETH'S MEDICAL CENTER OF
BOSTON, INC., a Massachusetts Nonprofit
Corporation,

Defendants.

Civil Action No. 04-CV-11673 RWZ

DECLARATION OF EDWARD W. LITTLE, JR.

I, Edward W. Little, Jr., being duly sworn, do hereby depose and declare and follows:

1. I am an attorney with the firm of Gadsby Hannah LLP, counsel for plaintiff PharmaStem Therapeutics, Inc. ("PharmaStem") in the above-captioned case.
2. I submit this declaration in support of PharmaStem's Reply Memorandum in Support of Motion to Enjoin ViaCell, Inc. from Taking Further Action in Civil Action No. 04-1335-GMS in the District of Delaware.
3. Attached hereto as Exhibit 1 is a true and correct copy of a document produced by ViaCell, Inc. and used as a Trial Exhibit in *PharmaStem v. ViaCell, et al.*, Civil Action No. 02-148-GMS (D.Del.), filed February 22, 2002.
4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the Trial Transcript in *PharmaStem v. ViaCell, et al.*, Civil Action No. 02-148-GMS (D.Del.), filed February 22, 2002.

5. Attached hereto as Exhibit 3 is a true and correct copy of a Hearing Transcript, dated August 6, 2004, in *PharmaStem v. ViaCell, et al.*, Civil Action No. 02-148-GMS (D.Del.), filed February 22, 2002.

6. Attached hereto as Exhibit 4 is a true and correct copy of a Hearing Transcript, Dated November 15, 2004, in *PharmaStem v. ViaCell, et al.*, Civil Action No. 02-148-GMS (D.Del.), filed February 22, 2002, and *ViaCell, Inc., et al. v. PharmaStem Therapeutics, Inc.*, Civil Action No. 04-1335-GMS (D.Del.), filed October 5, 2004.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Court Docket in *Schwarz Pharma, Inc. v. Teva Pharm., U.S.A.*, Civil Action No. 01-4995-DRD (D.N.J.)(pending), filed October 29, 2001.

8. Attached hereto as Exhibit 6 is a true and correct copy of an Opinion (entered as D.I. 34 on June 6, 2002) in *Schwarz Pharma, Inc. v. Teva Pharm., U.S.A.*, Civil Action No. 01-4995-DRD (D.N.J.)(pending), filed October 29, 2001, *available at* <http://lawlibrary.rutgers.edu/fed/html/ca01-4995-1.html>.

SIGNED BY ME UNDER PAINS AND PENALTIES OF PERJURY THIS
22nd DAY OF NOVEMBER, 2004.

/s/ Edward W. Little, Jr.

Edward W. Little, Jr.

CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of November, 2004, caused to be served on all parties (or their counsel of record, if any at this time) the above document by hand delivery.

/s/ Edward W. Little, Jr.

Edward W. Little, Jr.